

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAY 26 2011

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

CLEAVE WILLIAMS, JR.,

Plaintiff,

v.

OFFICER OSBOURNE, et al.,  
Defendants.

Civil Action No. 7:11-cv-00152

MEMORANDUM OPINION

By: Hon. James C. Turk  
Senior United States District Judge

By Order entered April 25, 2011, the court assessed plaintiff a \$350.00 filing fee and requested his consent to withdraw funds from his inmate trust account to pay the fee in installments. See 28 U.S.C. §1915. Plaintiff was given ten days from the date of the Order to forward to the court a signed consent to withholding form. The court notified plaintiff that failure to return the consent form to the court within the time allowed would result in the dismissal of his action without prejudice. The time allowed for plaintiff to return the consent to withholding form has expired, and plaintiff has failed to return the form as directed. Accordingly, the court dismisses the complaint without prejudice for failure to comply with a court order and for failure to prosecute this action. Plaintiff may refile his claims in a new and separate action at the time of his choice.

The Clerk is directed to send a copy of this memorandum opinion and the accompanying order to plaintiff.

ENTER: This 26<sup>th</sup> day of May, 2011.

  
Senior United States District Judge